

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 5, 1979  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

Reverend C. Earle Lewis, Ward Memorial United Methodist Church, gave the Invocation.

APPROVAL OF MINUTES

Mayor Pro Tem Cooke moved that the Council approve the Minutes for June 21, 1979, June 28, 1979 and Special Meetings of June 21, 1979 and June 27, 1979. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmembers  
Goodman, Trevino

## BOARDS AND COMMISSIONS

Mayor McClellan announced the following Board and Commission appointments will be made July 19, 1979:

On-Going of Goals Assembly Committee - 1  
Vending Commission - 2  
Community Development Commission - 1  
Board of Adjustment - 3  
Joint Airport Zoning Board - 1  
Building Code Board of Appeals - 1  
Electric Utility Commission - 4  
Energy Conservation Commission - 5  
Ethics Review Commission - 1 Council appointment and 1 Common Cause Confirmation  
Hospital Board - 4  
Citizens' Board of Natural Resources and Environmental Quality - 8  
Plumbing Advisory Board - 4  
Solicitation Board - 3  
Employees Retirement System of the City of Austin - 2  
Arts Commission - 1  
Renewable Energy Resources Commission - 1

## CAPITAL IMPROVEMENTS PROGRAM

Councilmember Snell moved that the Council adopt a resolution to authorize the acquisition of certain land for the U.S. 183/Loop 1 Interchange, CAPITAL IMPROVEMENTS PROGRAM No. 78/60-03:

27,135.75 square feet of land, more or less, out of Lot a, Resub. of Lots 2 and 3, McCann Annex No. 2, (National Bank of Commerce)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## EASEMENT RELEASE

Councilmember Snell moved that the Council adopt a resolution to authorize release of the following easement:

The north five (5.00) feet of a ten (10.00) foot Public Utility and Drainage Easement and the north two and one-half (2.50) feet of a seven and one-half (7.50) feet Public Utility Easement out of Lot 3, Block "F," Lake Ridge Estates, Section 4, 601 Lisa Drive. (Requested by Mrs. Donna Bayless)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution to authorize release of the following easement:

The east three (3.00) feet of a seven and one-half (7.50) foot Public Utility Easement at the rear lot line of Lot 4, Block B, Great Hills II, 8506 Appalachian Drive. (Requested by Mr. Robert Sanders, owner)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution to authorize release of the following easment:

Utility and Drainage Easements on the property leased by the City to Byram Properties for construction of a medical office building. (Requested by Byram Properties)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### LICENSE AGREEMENT

Councilmember Snell moved that the Council adopt a resolution to authorize the issuance of a License Agreement to allow construction of a medical office building over a 30" and 24" storm sewer in the area leased by the City to Byram Properties to allow construction over a Utility Easement of an Aerial Pedestrian passageway connecting the medical office building with the Brackenridge Parking Garage. (Requested by Byram Properties) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## CHANGE ORDER

Councilmember Snell moved that the Council adopt a resolution to approve a Change Order in connection with the City's construction contract with OLMOS CONSTRUCTION COMPANY, approved by the Council on February 22, 1979, in the amount of \$17,600. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## INDEPENDENT AUDITOR APPOINTED

Councilmember Snell moved that the Council adopt a resolution to appoint Peat Marwick Mitchell for two years as independent auditor to perform the financial audit of the City for the year ending September 30, 1980. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## MASTER PLAN FOR NATURAL SCIENCE CENTER

Councilmember Snell moved that the Council adopt a resolution to appoint White Dolce & Barr, Architects and Planners, Inc., to develop a Master Plan for the Natural Science area within Zilker Park, CAPITAL IMPROVEMENTS PROGRAM No. 77/86-15. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## CONTRACTS APPROVED

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

AUSTIN ENGINEERING COMPANY  
P. O. Box 3255  
Austin, Texas

- CAPITAL IMPROVEMENTS PROJECT -  
White Plains and Parsons  
Subdivisions, 8-inch wastewater mains -  
\$204,042.00 C.I.P. No. 73/50-02.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

CULLUM & DICKEHUT CONSTRUCTION COMPANY P. O. Box 426 Marble Falls, Texas	- CAPITAL IMPROVEMENTS PROJECT - Saunders Lane 12-inch water transmission main - \$31,224.50 C.I.P. No. 75/40-14
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

CHEMICAL & TURF SPECIALTY COMPANY 10440 Plano Road Dallas, Texas	- Perennial Ryegrass Seed, Parks and Recreation Department. Item 1 - \$10,362.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

ROBERT C. GRAY CONSTRUCTION COMPANY P. O. Box 9442 Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Proposed Drainage Improvements to Northwest Park from Ardash Street 200 feet westerly - \$12,238.00 C.I.P. No. 75/07-02
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

LARSON-PUGH, INC. P. O. Box 5156 West Austin Station Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Reinforced Concrete Slab Bridge in Pecan Springs Road - \$99,552.80 C.I.P. No. 75/65-03
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

BARKER OFFICE FURNITURE COMPANY 419 Congress Avenue Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Furniture for Training Academy, Fire Department. Items 1-12 - \$11,991.17 C.I.P. No. 83/75-01
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

INTERNATIONAL BUSINESS MACHINES CORPORATION 1609 Shoal Creek Boulevard Austin, Texas	- Key Data Entry and Collection System, Data Systems Department. All items - \$543.00/month \$32,580.00 over 60 months
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

CAPITAL AMBULANCE SUPPLY 11309 Tedford Austin, Texas	- Emergency Lights and Sirens, Vehicle and Equipment Services Department Item 1, 14 ea. @ \$673.20 Total - \$9,424.80
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

GENERAL ELECTRIC COMPANY  
1600 N. E. Loop 410  
San Antonio, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
MVA Transformers, Electric  
Department.  
Item 1, 2 ea @ \$206,743  
Total \$413,486.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Snell moved that the Council adopt a resolution approving the following contract:

B & B LAND CLEARING COMPANY, INC.  
8011 East Riverside Drive  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of electric conduit  
system and streetlight foundations  
for Oak Forest, Section Five -  
\$71,294.50 C.I.P. Nos. 75/30-01  
and 75/36-01

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### TRAVIS BUILDING LEASE

Councilmember Snell moved that the Council adopt a resolution to amend the Lease with Travis Properties for space in the Travis Building. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Snell, Trevino, Mayor McClellan  
Noes: Councilmember Mullen

#### TEMPORARY STREET CLOSING

Councilmember Snell moved that the Council adopt a resolution to temporarily close Desert Oaks Circle from 12:00 noon to 9:00 p.m., July 5 through July 15, 1979, as requested by Mr. Ken Zimmerman, representing Austin Association of Builders. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### PUBLIC HEARING SET

Councilmember Snell moved that the Council adopt a resolution to set a public hearing on annexation of the following on July 19, 1979 at 10:30 a.m.:

535.89 acres of land out of the James Coleman Survey No. 25, William Bell Survey No. 44, L. Lindsey Survey No. 287, Robert Foster Survey No. 43, James Jett Survey No. 1, T. J. Chambers 8 League Grant, and M. D. Williams Survey No. 49, Lakewood Village, Lakewood Park Section 1, Lakewood Park 3, Lakewood Park Section 4, Lakewood Park Section 5, The Courtyard, a portion of Loop 360 and R. M. Highway 2222 and Unplatted land. (Initiated by City of Austin) C7a-79-002.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### BOY SCOUTS RECOGNIZED

Mayor McClellan recognized members of Boy Scout Troop No. 9 who were in attendance in the Council Chamber. They were visiting the meeting as a part of their requirement for a Communications Badge.

#### AGENDA ITEM PULLED

Councilmember Goodman moved that the Council pull from the agenda consideration of amending Chapter 42, Section A-207 of the Austin City Code, Plumbing Ordinance to provide for the new classification of Residential Plumbing Inspector. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

Mayor McClellan announced this item will be included in the July 19, 1979 Agenda to set for hearing on August 23, 1979, and that the August 23, 1979 day meeting will be held at night instead.

## ON-GOING WEATHERIZATION PROJECT

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## TAXICAB FRANCHISE ORDINANCES

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING ROY'S TAXI, INC. A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

The ordinance was read the third time, and Councilmember Goodman moved that it be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING AIRLINE CAB COMPANY A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

The ordinance was read the third time, and Councilmember Goodman moved that it be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING HARLEM CAB COMPANY, INC. A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

The ordinance was read the third time, and Councilmember Goodman moved that it be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING YELLOW-CHECKER CAB COMPANY, INC. A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

The ordinance was read the third time, and Councilmember Goodman moved that it be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## TAXATION OF OPEN SPACE LANDS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 32 OF THE AUSTIN CITY CODE OF 1967; PROVIDING A NEW ARTICLE IX; PROVIDING FOR DELAYING IMPLEMENTATION OF ARTICLE 7174A, REVISED CIVIL STATUTES, UNTIL 1980 PERTAINING TO VALUATION OF QUALIFIED OPEN-SPACE LAND FOR TAX PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan  
Noes: Mayor Pro Tem Cooke

The Mayor announced that the ordinance had been finally passed.

## CRASH/FIRE/RESCUE PROJECT

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## NON-EMERGENCY AMBULANCE TRANSFER SERVICE

Mayor McClellan introduced the following ordinance:

July 5, 1979

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 BY REPEALING ARTICLE V AND IN LIEU THEREOF SUBSTITUTING A NEW ARTICLE V, "AMBULANCES AND TRANSFER VEHICLES"; PROVIDING FOR A CHANGE IN DEFINITIONS; PROVIDING FOR AREAS COVERED BY THE EMERGENCY SERVICES OF EMS; PROVIDING FOR AN EMS DISPATCHER; PROVIDING FOR PRIVATE SERVICE REGULATION; PROVIDING FOR A FRANCHISE FOR TRANSFER SERVICE; PROVIDING FOR APPLICATION, REVIEW AND HEARING FOR A TRANSFER SERVICE FRANCHISE; PROVIDING FOR ISSUANCE OF A FRANCHISE AND A CONTRACT THEREFORE; PROVIDING FOR QUALIFICATIONS OF DRIVERS AND ATTENDANTS; PROVIDING FOR LIABILITY INSURANCE; PROVIDING FOR APPROVAL OF CHANGE IN OWNERSHIP; PROVIDING FOR INSPECTION OF BOOKS AND RECORDS; PROVIDING FOR A SCHEDULE OF RATES; PROVIDING FOR STANDARDS FOR PERSONNEL, VEHICLES, EQUIPMENT AND INSPECTION OF VEHICLES; PROVIDING A PENALTY; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR PAYMENT TO THE CITY; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

AMERICAN GI FORUM VETERANS OUTREACH  
PROGRAM

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCE

Mayor McClellan called Don Bird, representing the applicant, to the podium and stated: "I have discussed with you and just wanted to put into the record that if you're willing to do so publicly that there will not be any development taking place on that tract until after a possible November bond election in the City, if that's agreeable to you." Mr. Bird answered, "Yes, ma'am, that's agreeable to the property owners...to continue the zoning case and know where we are in the development we can hold back until that time." The Mayor asked, "Hold back until after our November bond election?" Mr. Bird answered affirmatively. Councilmember Goodman said, "That has in it, Don, you know the implied statement that we'd like the opportunity to consider purchasing." Mr. Bird said, "We assumed that was the reason for the delay."

Mayor McClellan brought up an ordinance for its first reading only to cover the following zoning change:

KNIGHTS OF COLUMBUS	2305-2333 Columbus	From Interim "A" Residence
HOME ASSOCIATION		1st Height and Area
By Jeryl Hart		To "A" Residence
C14-79-042		1st Height and Area

The ordinance was read the first time and Councilmember Goodman moved that it be passed to its second reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Cooke  
Noes: Councilmembers Goodman, Snell, Trevino

The Mayor announced that the ordinance had been passed through first reading only. (Case later withdrawn)

## MEDICAL ASSISTANCE PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to implement new dispensing fees for pharmaceutical services for the Medical Assistance Program. (Effective date June 1, \$2.25 per prescription for Central Pharmacy and Walgreen's.) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau  
Noes: None

## SING-SONG

MR. JOHNNY TRAVIS, TIP Records, appeared before Council to sing a song he had composed about the energy crisis.



## MOTORCYCLE ROAD RACES

August 5 - 7:30 a.m. to 6:30 p.m.

1. Request to temporarily close the following streets adjacent to Municipal Auditorium and Coliseum:
  - (a) RIVERSIDE DRIVE from Lamar to South 1st Street
  - (b) DAWSON ROAD from Barton Springs Road to Riverside Drive
  - (c) BOULDIN AVENUE from Barton Springs Road to Riverside Drive
2. Request use of the Coliseum parking lot and the Auditorium parking lot for the event.

## WATER PARADE

August 10 - 6:00 p.m. to 10:30 p.m.

1. Use of Town Lake, Festival Beach and Auditorium Shores, as an event and spectator area.
2. Use of motorboats on Town Lake in conjunction with staging area and practice sessions prior to parade date. (beginning July 19)
3. Permission to hold aerial fireworks display at Auditorium Shores area on south bank of Town Lake.
4. Permission for conducting a Kamaski Jet Ski and Skiing demonstration on Town Lake.
5. Permission to allow the landing of amphibious airplane on Town Lake adjacent to Auditorium Shores (subject to airport and FAA approval)

## AQUA FESTIVAL SPORTS CAR RACES

August 11 - 7:00 a.m. to 6:00 p.m.

August 12 -

1. Request to temporarily close the following streets adjacent to Municipal Auditorium and Coliseum:
  - (a) RIVERSIDE DRIVE from Lee Barton Drive to South 1st Street
  - (b) DAWSON ROAD from Barton Springs Road to Riverside Drive
  - (c) BOULDIN AVENUE from Barton Springs Road to Riverside Drive
2. Request use of Auditorium and Coliseum parking lots for the event.

## CONCOUR DE ELEGANCE

August 12 - 10:00 a.m. to 4:00 p.m.

1. Request permission to use parking area behind Parks and Recreation Building for display of Jaguar Sports Cars.

Motion

Councilmember Goodman moved that the Council approve the use of City facilities and assistance to conduct several events in conjunction with the 1979 Austin Aqua Festival as requested. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor  
Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None

In addition to the motion approving the use of City facilities and assistance, the following resolutions were adopted:

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the following street as requested:

RIVERSIDE DRIVE between South 1st and Lamar from noon to 2:30 a.m.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor  
Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the following street as requested:

RIVERSIDE DRIVE from South 1st Street to Bouldin Avenue from 6:00 p.m. to 2:30 a.m. on each Fest night.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor  
Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the following streets as requested for Motorcycle Races:

RIVERSIDE DRIVE from Lamar to South 1st Street  
DAWSON ROAD from Barton Springs Road to Riverside Drive  
BOULDIN AVENUE from Barton Springs Road to Riverside Drive

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor  
Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the following streets as requested for Aqua Festival Sports Car Races:

RIVERSIDE DRIVE from Lee Barton Drive to South 1st Street  
DAWSON ROAD from Barton Springs Road to Riverside Drive  
BOULDIN AVENUE from Barton Springs Road to Riverside Drive

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro  
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None

## ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 9:30 a.m. and 10:00 a.m. Pursuant to published notice thereof the following zoning cases were publicly heard:

WALTER ANGERMAN            1804 Mariposa  
By Clarke Heidrick  
C14-78-225

From "A" Residence and  
Interim "A" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission "BB" Residence, 1st  
Height and Area to limit the  
density to 40 units on the five  
acres subject to the vacation  
of Mariposa Drive

Mr. Lillie, Director of Planning, reviewed the application by use of slides. Councilmember Goodman asked Mr. Lillie several questions and wondered how long the same person had owned the land. MR. CLARKE HEIDRICK, representing the applicant, told him about 15 years, and there are plans to build condominiums. He said the Ward Memorial Church and the South River Citizens Neighborhood Association had originally been opposed to the project but have since withdrawn their objections.

MR. EDGAR JONES, architect, showed Council the proposed lay-out of 40 units on the site. He said there was no violation of the number of units now allowed under "A" zoning, but "BB" is needed for condominiums.

REVEREND C. EARL LEWIS, Ward Memorial United Methodist Church, appeared before Council. His church's property abuts the site and he told Council the church feels the developers have been very responsible in working with them, therefore they have withdrawn their objections to the zoning change.

MRS. H. B. HOWARD, JR., who lives on Cedar Ridge Drive, spoke against the zoning.

MRS. PEGGY SHIELDS, who lives on Fawn Drive, spoke against the zoning change to allow condominiums. She said the neighborhood had not been contacted by the developer, and felt condominiums would add to the traffic congestion.

MR. STEVEN SHIELDS, 1723 Fawn Drive, appeared to say there have been some attempts to smooth things out so the residents will be appeased, but stated his opposition to the request for a zoning change.

After more discussion, the motion was made.

Councilmember Goodman moved that the Council grant "BB" Residence, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission, and roll back to "A" Residence if the ordinance is amended to include condominiums under "A" Residence, subject to approval of site plan by Planning Commission and subject to vacating of Mariposa. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### PUBLIC HEARING ON VACATING A PORTION OF MARIPOSA DRIVE

Mayor McClellan opened the public hearing on vacating the following and passage of ordinance:

The portion of Mariposa Drive, east of Parker Lane, with a part of Blue Bird Hill, Section One Subdivision. (Requested by Mr. R. Clarke Heidrick, Jr., representing the owner.)

No one appeared to be heard.

#### Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING A CERTAIN PORTION OF MARIPOSA DRIVE FROM PARKER LANE INTERSECTION; RETAINING EASEMENTS IN THE CITY FOR WATER, SANITARY SEWER/WASTEWATER, AND GAS LINES IN SAID CERTAIN PORTION; SUSPENDING THE THREE SEPARATE DAYS READING RULE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing and waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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## SPECIAL ANNOUNCEMENT

Mr. Dan Davidson, City Manager, stated, "Mayor, City Council members, I do appreciate the privilege of interrupting the Council Meeting so that I might announce two key administrative appointments to the City of Austin administrative team. In connection with the first appointment, I would note that every member of the Council, the State Health Department, the local Medical Society, and a lot of folks in this community have been anxious that I seek and find an appropriate individual to head up the City/County Health Department. So the first appointment I will announce this morning involves that most important position. I announce that DR. ALBERT RANDALL will become Director of the City/County Health Department of Austin/Travis County effective mid-August." (He then asked Dr. Randall to come forward.) "Dr. Randall is currently the Commissioner of Health and Environmental Control for the State of South Carolina. He's held that position from 1977 until the present time. He has also served the City of Houston as Health Director from 1970-1977. He was Deputy Commissioner for Tuberculosis Control in the Texas Department of Health in 1966 to 1970. He was director for the Cameron/Hidalgo County Health Department from 1964 to 1966. He was director of the Bi-City County Health Department in Amarillo, Texas from 1958-1960. He was with the Tennessee State Health Department and also the Davidson County Tennessee Health Department from 1952-1955. Dr. Randall has a medical degree from the University of Tennessee and a Master of Public Health from Johns Hopkins University. He is married and has four children. This morning in a meeting with the Texas State Health Commissioner, Dr. Ray Moore, he told me in front of a number of physicians that we are now hiring the premiere health resource person in the nation and maybe in the world. So I am delighted to introduce to the City Council the new County/Health Director for our City and our County, Dr. Al Randall."

Dr. Randall expressed his delight at coming back to Texas and said he thinks Austin and Travis County's program is a challenge. "It's the kind of things I think we have a responsibility to deal with, those of us who are working in the public health in providing the health needs and services to all the people of our community. I think local health work is where the satisfaction is, having tried it both at the state and the local level." Mayor McClellan also welcomed him to the City of Austin and expressed her delight at having the privilege of having Dr. Randall as the Director of the City/County Health Department.

Mr. Davidson then said, "I would like to recognize someone who, during this period, served as Acting Administrative Director of the Health Department, and I'm hoping she'll continue to serve until mid-August when Dr. Randall will come, but I'd like you to help me recognize Sue Edwards who has served in this capacity so well." Ms. Edwards appeared before Council to express her thanks for their applause and said, "It has been a very wonderful time spent. I have learned more than I could possibly learn, from the staff and Health Department, and I want to thank all of you for that opportunity. It has been a real pleasure."

Mayor McClellan thanked Ms. Edwards for doing an excellent job.

Mr. Davidson stated, "Another very important announcement is the selection of the City Auditor. As the Council considered our last budget, you agreed to

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establish a special position with the internal or City auditor reporting directly to the City Manager. The whole purpose was to place more importance on the internal audit function....really to correspond with the excellent job that's been done by the Council selective outside auditing job. Today I am very pleased to announce that effective approximately one week I am going to appoint MR. BOB BRAMLETT as the City of Austin Auditor." He asked Mr. Bramlett to come forward. "Mr. Bramlett has also had some very valuable experience with the City of Houston. He has served as internal auditor for the Controller's Office there since 1974. He has a Bachelor's Degree in English from the University of Houston and also a Master's of Accountancy from the University of Houston. Mr. Bramlett is single. I think when you have an opportunity to talk with him about his professional goals and objectives and the kind of standards I think he will expect in connection with his position here that you will agree this too is an outstanding administrative appointment for the City of Austin, and I'm delighted to introduce Mr. Bramlett at this time."

Mr. Bramlett appeared before Council to express his pleasure at being associated with the City of Austin. He said he is eager to work with the fine public servants of Austin and is committed to the principle that auditors in government can make positive contribution to stewardship fo the public resources, not just looking for errors or fraud, as the public often thinks, but making a positive improvement in the economy and efficiency of governmental operations. Mayor McClellan also welcomed him to the staff of the City of Austin.

Zoning Hearings - Continued

HARDIN HOUSE, INC.  
By Richard Hardin  
C14-79-091

2215-2217 Rio Grande

From "B" Residence  
2nd Height and Area  
To "O" Office  
2nd Height and Area

NOT Recommended

RECOMMENDED by the Planning  
Commission "O" Office, 1st Height and  
Area and to accept the letter offered  
by the applicant to restrict subject  
tract to accessory parking only.

Mr. Lillie reviewed the zoning application with use of slides. RICHARD HARDIN, applicant, appeared before Council to state they are trying to solve some of the parking problems in the area. He said he has met with Betty Phillips, head of the Save Our University Neighborhood Association and Mr. Mike McHone to grant a deed restriction which would allow two uses:

1. Any use now or hereafter permitted under the "B" Residence, 2nd Height and Area District as set forth in the zoning ordinance of the City of Ausitn, or,
2. Use as an accessory on grade parking lot for residents or existing properties or Hardin House.

Hardin House would also agree to apply for "B" Residence, 2nd Height and Area if an ordinance is passed allowing accessory parking in said "B" Residence, 2nd Height and Area by special permit or equivalent. Mr. McHone submitted the deed restriction to the City Clerk, Grace Monroe.

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MS. BETTY PHILLIPS, Save University Neighborhood Association, said the parking lot is needed and they prefer to have it made legal rather than illegal. She said they are also in support of the deed restriction as it is worded.

Councilmember Himmelblau moved that the Council grant "O" Office, 2nd Height and Area District with Deed Restriction and accept the letter offered by the applicant to restrict subject tract to accessory parking only. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHARLES RICHARD  
HAMILTON  
By W. W. Patterson  
C14-79-032

10540-11740 Highway 183

From Interim "AA" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
(as amended)

RECOMMENDED by the Planning  
Commission to grant "O" Office, 1st  
Height and Area (as amended), as  
approved and recommended by the staff.

Mr. Lillie reviewed the zoning application with the use of slides. MR. WOODROW PATTERSON, representing the applicant, appeared before Council and stated he does not think there is any opposition to the zoning. They are agreeable to comply with the 183 Study.

Mayor Pro Tem Cooke moved that the Council uphold the recommendation of the Planning Commission and grant "O" Office, 1st Height and Area District (as amended.) The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber: Councilmembers Goodman, Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JANNETT WALKER  
McNEALY  
By R. E. Brittain  
C14-79-092

1159 Navasota

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area

RECOMMENDED by the Planning Commission "O" Office, 1st Height and Area with a restrictive covenant as agreed to by the applicant that the zoning be rolled back to "A" Residence if the use is terminated

Mr. Lillie reviewed the zoning application by use of slides. The request has been made for the purpose of placing a creative rapid learning center in a home that exists on the property.

MR. R. E. BRITTAİN appeared before Council representing the owners. He said this has not been a marketable piece of property as a home. The University "Y" wants to fix up the property as a rapid learning center, and on their behalf and the owner's behalf, Mr. Brittain requested Council grant the zoning change. Councilmember Snell wondered if the neighbors had been notified. Mr. Lillie explained there had been no known opposition, and it received the recommendation of the Planning Commission.

A man who did not identify himself spoke in favor of the zoning change.

Councilmember Snell moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN C. McELROY  
ET AL  
C14-79-018

12164-12758 U.S. 183  
12153-12283 Jollyville  
Road

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

RECOMMENDED by the Planning Commission "LR" Local Retail, subject to site plan approval at the time applicant has a specific use in mind and subject to 15-foot buffer on 183 and a landscape buffer around the tract subject to the recommendation in the 183 study.

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Mr. Lillie reviewed the zoning application by use of slides. MR. J. FRANK POWELL, representing the applicant, showed a map of the area and explained they have studied the area very closely.

Mayor Pro Tem Cooke asked what will go in the site to complement what is already there and give residents what they don't already have. Mr. Powell said that is hard to answer. He said with the projection of 50,000 people in the area it will take a lot of shopping area to keep from clogging the roads with people coming back into town to shop. He felt people in the area could shop without having to go onto Highway 183.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau  
 Noes: Councilmember Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Zoning Continued

L. JAN TURK AND  
 RALPH O. KEHLE,  
 ET AL  
 By Ron Scharfe  
 C14-79-100

1200, 1204 and 1208 Ben  
 White Boulevard

From "O" Office and "GR"  
 General Retail  
 1st Height and Area  
 To "O" Office and "GR"  
 General Retail  
 2nd Height and Area  
 RECOMMENDED by the Planning  
 Commission subject to special  
 permit process as agreed to by  
 applicant.

Mr. Lillie reviewed the application with use of slides. Councilmember Himmelblau commented there has been no precedent set in that area for 2nd Height and Area District.

RON SCHARFE, developer of the tract, showed plans of a proposed 6-story apartment building with 148 units. He said they wanted to build it that way in order to preserve trees in the area. Councilmember Goodman asked several questions concerning the square footage involved and the parking lot size. Councilmember Himmelblau said she liked the plan but does not want to set a precedent because Council would find it difficult to deny other requests. A discussion then ensued about building three 2-story structures.

Mr. L. Jan Turk, one of the owners of the property, showed slides of the area and explained what they plan to do. He is a professor of Environmental Studies at the University of Texas.

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Councilmember Mullen said the applicants are trying to save the environment and suggested they postpone their decision for two weeks. On July 19 the applicant can come back to Council with an alternate site plan which will show Council how much three 2-story buildings will harm the land. Councilmember Himmelblau said they should also consider a roll-back to "B" Residence.

Councilmember Trevino moved that the Council continued the hearing on the zoning case until July 19, 1979 at 9:45 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor  
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman  
Noes: None

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Zoning Continued

O. B. MCKOWN, JR. & ASSOCIATES, LTD. C814-79-001	F.M. 1826 South of U.S. Highway 290 southwest of the City	From Low Density to a Residential Planned Unit Development
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Mr. Lillie reviewed the application of the zoning hearing which was continued from June 14, 1979. Mr. Jerry Harris, City Attorney, stated: "As Dick has said, this item was postponed for a maximum of 60 days with the request that the report come back from the staff whenever the staff was ready to address those items. We felt we were ready to address the three main items today and therefore it was placed back on the City Council Agenda for further consideration in the context of the continuation of a public hearing today. There were three items that were brought to the staff's attention and which the staff was asked to report back on. One dealt with an issue of restrictive covenants that some of the property owners felt bound this property to lesser type development than is proposed by this Planned Unit Development. As is the case with restrictive covenants, and as I've covered here in the memo, the restrictive covenants are basically private contractual agreements between parties who develop land and the purchasers of that land. We're not in a position to resolve restrictive covenant disputes here in the Law Department or in the City Council level. Those issues must be resolved at the District Court level, if not by negotiations of the parties. Therefore, the staff report on that particular point is that since we cannot resolve that issue, we leave it to the private parties just as we always do in restrictive covenant matters for them to resolve as they see fit through legal processes, etc. Therefore, on that point, there's really no basis, in our opinion, for the City Council to further consider the restrictive covenant issue.

"The second issue that was raised, and that we've reported back on was a question raised by Phillips Pipeline Company wherein their existing pipeline will be located within 50 feet of some of the Planned Unit Development structures houses. We met with the attorney for Phillips Pipeline Company and the applicant and basically have concluded as specified in a report that there's really nothing here that we consider to be a legal violation or once again anything the Council can rule on because we do not interpret it to be a violation for structures to be located where they are proposed to be vis-a-vis the existing pipeline.

"The third issue related to evapo-transpiration systems. We've taken a further look at that from the legal standpoint and as we concluded earlier in the month it's our viewpoint of the law at this time that the approval of collective evapo-transpiration (ET) systems basically rest with the State Health Department's current rules and regulations. The state law does provide that local governments can adopt more restrictive regulations in this area if they choose to do so. At the current time we do not have more restrictive evapo-transpiration systems in the collective style and therefore, this system, as I understand it, has been approved by the State Health Department. And I believe that approval has been confirmed by our own Health Department and Dr. McReynold's office."

Councilmember Goodman said that, according to his information, the developer had failed to comply with the Council's directive to get together with the neighbors and discuss the ET systems. He asked Mr. Harris if Council should be considering this Planned Unit Development (PUD) prior to the trial date for an injunction which the neighborhood residents have filed. The trial date is August 16. Mr. Harris replied, "It is our general recommendation in matters of this nature that since we can't decide that matter that we recommend no action be taken one way or the other, based on the private dispute between the parties because once we take some action we are effecting one of the parties' rights based on something we're not going to call the final shot on any way."

Mr. Harris continued, "In concluding about the evapo-transpiration system, I believe the memo from the Health Department does confirm it was approved by the Health Department and their recommendation is that basically we proceed to work under the State Health Department's rules and regulations at this particular time. And that's all I have to report from the staff."

Mayor Pro Tem Cooke said, "We have never really addressed a collective evapo-transpiration system and I realize staff is saying at this particular time we really shouldn't address that. I feel that the ET systems were set up in order to give us more flexibility in the septic tank ordinance and to begin exploration into systems that would be more innovative and that, I believe, is what we discussed in March. I'm not convinced that this void in our ordinances is necessarily the implied direction of where this Council wanted to go in regard to septic tanks, so I'm not ready to take staff recommendation to ignore this part of the ordinance and that we've never addressed it before."

Mr. Harris recommended no conclusions be reached today, those present to be heard should be heard, and then Council should continue the hearing at a later date.

MR. TERRY BRAY, representing the applicant, stated, "We are in the process of seeking a subdivision that is outside the city limits of the City of Austin, barely within the five-mile ETJ (Extraterritorial Jurisdiction). We began in January a very careful process of working through all City departments to anticipate any and all problems they might have so we could address those problems and property resolve them to the satisfaction of staff, not because as a legal matter we had to go through all those steps but because as a practical matter we wanted to be sure we were touching all the bases and doing things as properly as they could be done. We attempted to work with the City/County Health Department on a proposed evapo-transpiration system. Up until mid-May we were told by the Health Department there was no legal basis for them to look at what

we were doing because the present City ordinances do not allow them to review or approve or recommend anything concerning our systems. Accordingly, what we did was go to the State Health Department which does have processes and procedures for reviewing, designing, anticipating problems with ET systems. We worked out all of the details and the problems with the State Health Department and shared that information on a continuing basis with the City/County Health Department, in each instance telling them what we were doing and in some instances making revisions in our plans as we went along. The bottom line on all that was when we went before the Planning Commission in the initial approval process for our subdivision in early May, City/County Health reported they had no legal authority to approve or recommend approval of our system. We were kind of in a no-man's land. The result of that was a request to Jerry Harris' staff to indicate whether or not there was some basis in which to review this system. That resulted in the May memo which is in your package indicating there is approval procedure, but since there were no City regulations the pertinent regulations were the state regulations and if we met State regulations, that is all that is required in the subdivision process." Councilmember Goodman then asked questions regarding information to the neighborhood residents. Mr. Bray said Mr. McKown has designed the system in order to protect the creek. More discussion ensued.

MR. JIM LaCHANCE, who had spoken at the previous hearing, appeared and said the neighborhood's main purpose is to make sure the evapo-transpiration system is all right.

There was further discussion over the understanding or misunderstanding of Council's instructions and whether or not the neighborhood had been properly informed.

After discussion of postponing any action until August 23, 1979, Mr. Bray stated they could not wait that long and if action was not taken today they would take other alternatives available to them. After consultation with his client, he said they would wait until July 19. Mr. Bray said they would not do any developing until they receive the final clearance from the Health Department.

MR. PETER KREISNER, attorney representing the homeowners, appeared before Council to state he thought there was no reason for the hearing today because the homeowners received no notice.

#### Motion

Councilmember Snell moved that the Council delay action on Zoning Case No. C814-79-001 until August 23 at 7:00 p.m. The motion was seconded by Mayor Pro Tem Cooke.

#### Friendly Amendment

Mayor Pro Tem Cooke offered a friendly amendment for staff to contact the technical experts who are in conflict and get their views. Councilmember Snell accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

Ayes: Councilmembers Goodman, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke  
Noes: Councilmember Mullen  
Abstain: Councilmember Himmelblau

Mr. Harris asked the neighborhood representatives to tell him who to contact as Mr. Kreisner had not appeared as their counsel previously. Mr. Kreisner gave him his telephone number.

## CITY OF AUSTIN REFUNDING REVENUE BONDS

Mayor McClellan stated, "It is 2:30 p.m. and we have scheduled for consideration six items that are related to the issuance and sale of the City's Refunding Revenue Bonds. We have one ordinance and five resolutions related to this matter and I will ask the City Attorney to go through each of those items."

Mr. Jerry Harris, City Attorney, stated the following:

"1. Item J.1 is the ordinance which will authorize the issuance and sale of \$318,925,000 in Electric, Waterworks and Sewer System Refunding Revenue Bonds. These refunding bonds will be sold in order to refund and retire the City's existing first lien electric, waterworks and sewer system revenue bonds. Once these first lien bonds are refunded, future utility systems revenue bonds of the City will be able to be issued as AA rated first lien bonds rather than A-1 rated, junior lien bonds with resulting lower interest and utility rates. The total estimated savings to our utility customers made possible by this refunding is \$60,000,000 over the life of our utility system revenue bonds.

"2. Item J.2. on the agenda is the approval of an agreement to sell the \$318,925,000 in Refunding Revenue Bonds to First Southwest Company and Goldman, Sachs and Company. This agreement provides that First Southwest Company and Goldman, Sachs and Company will purchase the bonds at a price equal to the principal amount of the refunding revenue bonds plus accrued interest to the date of delivery at an effective interest rate of 6.4094%.

"3. Item J.3. on the agenda is the approval of an Escrow Agreement with the Treasurer of the State of Texas. Under this escrow agreement, the Treasurer of the State of Texas will be the custodian of the City's funds which will be utilized to make payments to the holders of the City's current first lien revenue bonds which are being refunded. The funds deposited with the State Treasurer will be the proceeds gained from the sale of the refunding revenue bonds plus the funds on hand in the reserve fund for the first lien bonds. The State Treasurer will invest these funds in government securities and utilize the proceeds from the government securities to pay off the first lien bonds being refunded as payments on those bonds are due.

"4. Item J.4. on the agenda is the approval of the limited distribution memorandum which explains the City's financial and bond status and which will be distributed to the purchasers of the refunding revenue bonds.

"5. Item J.5. on the agenda is the approval of calling for redemption prior to their scheduled maturity date certain of the City's current first lien revenue bonds. These particular bonds have a higher interest rate than some of our other first lien bonds and, therefore, our financial advisors recommend that these particular bonds be redeemed before maturity so that the City can save some money in interest payments. The redemption, like the normal debt service payments on the rest of the first lien bonds, will be paid for with funds held by the Treasurer under the Escrow Agreement.

"6. Item J.6. on the agenda is the approval of the purchase of Federal securities with the current reserve fund maintained in connection with the first lien revenue bonds which will be refunded. These securities will likewise be deposited with the State Treasurer for the benefit of the holders of the first lien revenue bonds being refunded. On the basis of competitive bids we recently received from a number of investment banking firms, this purchase agreement calls for the purchase of \$23,162,000 in Federal securities from Goldman, Sachs and Company, the purchase of \$8,725,000 in Federal securities from Merrill, Lynch, Pierce, Fenner and Smith, and the purchase of \$7,310,000 from Salomon Brothers.

"We have plenty of people here in the City Council Chambers who will be glad to answer any questions and to give explanations as to any of these items relating to the refunding bonds. Our own staff is, of course, here. In addition, there are representatives here from First Southwest Company, Goldman, Sachs and Company and the law firms of McCall, Parkhurst and Horton from Dallas and Hawkins, Delafield and Wood from New York.

"In considering these items, Item J.1., the ordinance authorizing the sale of the refunding bonds, needs to be acted on separately. The other items, J.2. through J.6., may be acted on together since they are resolutions."

Mayor McClellan then introduced MR. JIM CURLEE, Executive Vice-President First Southwest Company, Dallas, and MR. CURTIS ADRIAN. Mr. Adrian in turn, introduced the representatives from First Southwest Company, Goldman, Sachs and Company, and the law firms of McCall, Parkhurst and Horton, from Dallas and Hawkins, Delafield and Wood from New York.

Mr. Davidson, City Manager, requested MR. JERRY PEARCE, First Southwest Company, to explain how the refinancing is going to come out based on the work which has been done.

Mr. Pearce addressed Council as follows: "I am very pleased to be here today to present this plan of finance to you which I know you have all been working on and to work with us a number of hours over the last several months, especially with the Texas Legislature which allowed you to go forward and seek legislation and have it approved and signed by the Governor which allows a substantial savings to the City of Austin and the ratepayers in particular. We estimate you will save some \$60,178,000 in interest and principal payments over the life of this refunding. Of that, you'll have \$23.7-million savings in terms of present value...meaning in today's dollars. As we said, the average interest rate is approximately 6.41%. If I remember correctly, your bonds sold on a basis approximately four months ago of 6.30%, so this is a very favorable rate. We anticipate in your future sales of bonds that the rate you receive on those future issues of bonds will be dramatically less than you would have

paid otherwise because you will be selling first lien bonds. There will be very few electric utility systems in the country able to sell first lien bonds because most of them have very restrictive covenants that do not allow them to meet their coverage tests to move forward on the projects that you have on-going at this time and able to do that in a very expeditious manner. This should have a very small impact on the rate payers as it relates to what it would have been otherwise had you not gone forward with this refunding. I'd like to point out also that the outstanding bonds that are being refunded are now being raised to AAA. The bonds that you will sell from now on are now rated AA and these refunding bonds rated A. But you also have the flexibility to sell additional bonds in the future in case you have a catastrophe arise on a parity or equal payment with the refunding bonds we're selling here today. That's added flexibility that you did not have before which has much lower coverage test than is required under your present construction bonds. This is a major step forward. This is the largest refunding that has ever been accomplished in the state of Texas and one of the largest ever been done in the United States. It's been done, we feel, in a manner which required all of the support of the City Council. The Mayor and all members of the staff have just been tremendous on this and I think the citizens should applaud you for all of that."

Councilmember Goodman asked why Austin would be one of the few electric utilities able to issue first lien bonds. Mr. Pearce answered, "Because years ago they sold bonds in what was required in that particular type of market. In order to get the bonds sold you had to put certain restrictive covenants in. Those particular covenants are not required in today's market. An example is a 1-3/4 times coverage." Councilmember Goodman asked him what projects he referred to. Mr. Pearce answered, "Fayette, South Texas Nuclear, Water and Sewer Bonds...all of those items are a part of the utility system. As we estimate here you have approximately \$589-million worth of financing to accomplish between now and 1986." Mr. Goodman asked how the \$60,000,000 will be saved. Mr. Pearce said it will be saved on refunding and on future issues. \$8.9-million will be saved on refunding and the present value of that is \$3.6-million. On future issues, they estimate the City will save \$51,000,000 on debt service between the interest rates you would have paid had you been selling junior lien bonds and the interest rates you expect to pay by selling AA senior lien bonds. Councilmember Goodman expressed concern for any added flexibility for the South Texas Nuclear Project.

Councilmember Mullen asked, "Is it normal to have bonds like this registered?" Mr. Pearce answered that it is, and it is done primarily to prevent secondary market trading. In this particular issue you are getting ready to sell construction bonds in August. If there is going to be any activity in bonds in the City of Austin, it's going to be in that construction bond issue, not this issue, and that's exactly why that's being done. He said future bond issues will not be registered, at least they do not anticipate it. It is being done this time because of the volume of this particular issue.

Mayor Pro Tem Cooke commented that all people involved in this transaction deserve a real salute to the intelligent way they have gone about this refinancing situation.

The Mayor introduced the following ordinance:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, AUTHORIZING THE ISSUANCE OF THE CITY OF AUSTIN, TEXAS, ELECTRIC, WATERWORKS AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 1979

The ordinance was read the first time, and Mayor Pro Tem Cooke moved that it be passed to its second reading. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino  
Noes: None

The ordinance was read the second time and Mayor Pro Tem Cooke moved that it be passed to its third reading. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino  
Noes: None

The ordinance was read the third time, and Mayor Pro Tem Cooke moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed, as an emergency measure.

Mayor Pro Tem Cooke moved that the Council adopt a resolution authorizing the execution and delivery of a bond purchase agreement with First Southwest Company and Goldman Sachs & Co. relating to the Series 1979 Refunding Bonds. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution authorizing the execution and delivery of an escrow agreement with the Treasurer of the State of Texas relating to the payment and discharge of the City's outstanding first lien revenue bonds. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution approving the use of and authorizing the distribution of the limited distribution memorandum relating to the Series 1979 Refunding Bonds. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution calling certain first lien revenue bonds for redemption prior to maturity. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution authorizing purchase of federal securities for deposit with State Treasurer under escrow agreement. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

At the time of roll call, Councilmember Goodman said all those present in the Council Chamber today in connection with the Refunding Revenue Bonds would be wasting their time if it weren't for Senator Lloyd Doggett who got the refinancing bill through the Senate, and our four House members who worked to get it through the House.

At the time of roll call, Mayor McClellan noted on the innovativeness of this sale and said there are others looking on this to benefit their cities in the same manner as Austin is benefiting its citizens.

#### SPEAKER FOR REVITALIZATION

MS. KAREN MCGRAW, representing Business Alliance for Revitalization, appeared before Council and requested that a new inspection and evaluation be conducted taking into consideration existing building use and potential building use. This is in connection with downtown Austin revitalization plans.

## DOWNTOWN DEVELOPMENT

MR. BOB MATHER, representing Ad Hoc Task Force on Long Range Population and Energy Efforts of Downtown Revitalization, appeared before Council to request that Council appoint a local Citizen's Task Force to review long range energy and population effects of downtown development.

## ANNEXATION PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 10:30 a.m. to consider annexation of and directing the administration to institute annexation proceedings to annex the following:

Approximately 3,000 acres of land north of Bee Creek south of Lake Austin, excluding the area in Water District No. 10.  
(Initiated by City)

Dick Lillie, Planning Director, stated that the area under consideration had been given a low priority in the Comprehensive Plan and a low priority in the Annexation Plan. The area was in Area 6 of the Comprehensive Plan with low priority for extension of City services and facilities, and was not included in the first five-year plan for annexation. However, both the Comprehensive Plan and the Annexation Plan provided that annexation could be considered by the Council on any area if the Council found that it was in the best interests of the City to proceed.

If the Council chose to proceed with annexation, there were two options:

1. Full service annexation - City would provide a comparable level of services within 3 years that other areas of the City enjoyed.
2. Limited purpose annexation - Provided for in the 1953 City Charter but never used. Annexation would occur, extension of the City's development controls, building controls and health and sanitation controls would be extended, but no services would be extended by the City in the way of facilities and services and no taxes would be charged.

Mr. Lillie stated that if the Council should proceed with full-purpose annexation of the Peninsula area, it was his suggestion that the fiscal-note study for the area be updated to show the Council the variety of costs and revenues resulting from full-purpose annexation.

In response to Councilman Goodman's question regarding a fiscal note for limited-purpose annexation, Mr. Lillie stated that primarily it would be the cost of administering City codes and ordinances in the area, which in the long run could be a positive fiscal note.

Mr. Lillie next displayed a large map of the proposed annexation area and pointed out that the Peninsula area was the area north of Bee Creek and included some 3,700 acres, bordered on the north, west and east by the City limits of the City of Austin at 504.9 elevation on Lake Austin. Excluded were Water District

No. 10 and the 500-acre Municipal Utility District (MUD) on the Davenport Ranch. Opening of the Loop 360 bridge in about two years would provide the primary north-south access through the corridor. He thought that there was some sense of importance in having the City's controls in place by the time the Peninsula began to develop.

In response to Councilwoman Himmelblau's question, Mr. Lillie pointed out on the map areas near the Peninsula which had already been annexed, as well as the area north of Mount Bonnell to FM 2222 which had not been annexed.

In response to Councilman Goodman's question, Mr. Lillie said that the real thrust of limited-purpose annexation would be that some voters would be acquired for voting in Council and Charter elections while the City would be able to implement zoning controls to prevent Loop 360 from turning into another Ben White Boulevard.

Mr. Lillie felt that a fiscal note on limited-purpose annexation could be ready in two weeks.

Councilman Goodman asked that in preparing the fiscal note that estimates of positive benefits be included and if limited annexation were challenged and the City lost in Court, what would full annexation cost as well as an assessment of the situation if services could not be provided.

#### Motion

Councilman Goodman moved that the Council continue the public hearing until August 2, 1979. Councilman Mullen seconded the motion.

Mayor McClellan then opened the hearing for discussion by the public.

HELEN DURIEL, President, Lake Austin Hill Country Neighborhood Association, stated that the Association supported planned growth. The Association would support limited-purpose annexation with a one-acre minimum and two-acre average home-site density, along with transportation requirements to allow narrower roads. The Association asked that any decision regarding annexation of the Peninsula not be made in haste.

CLEO JACOBS spoke in support of the environment.

GEORGE NALLE asked if after limited-purpose annexation, would it be possible to fight full annexation and high taxes which would force him to sell and develop the land?

Albert DeLaRosa, speaking for the Legal Department, answered, "Yes," that if the Council wanted to annex the area fully that a normal annexation proceeding before the Council would be followed at which time he could protest the annexation.

Councilman Goodman stated that in 15 years or so, more than likely the area would be a fully annexed part of Austin.

GENERAL JIM ROSE, who owned property on the Peninsula, as well as a small water system which served the area, asked if the City was going into a limited annexation concept, would the Council lay out its plan relative to permanent annexation so that area residents could plan accordingly. He also wondered what would happen to the area in which he planned to live on the Peninsula.

Councilman Goodman stated that the purpose of limited-purpose annexation for the Peninsula was to protect property, such as General Rose's, and the City's source of drinking water.

JACKIE JACOBSEN, Lake Austin Hill Country Neighborhood Association, was concerned about the quality of controls on development and that they should be in place before annexation occurred. She then asked questions regarding the Davenport MUD, and stated that once water and wastewater services were placed on the Peninsula with no limits as to what the services constituted, uncontrolled growth was being allowed in an area which was easily destroyed. If the area was annexed without appropriate zoning controls in place already, the same thing was being done.

KEN MANNING, representing the Sierra Club, felt that limited-purpose annexation had a tremendous potential if handled properly, but needed to be looked at closely.

MARY LEY, speaking for Travis Audubon Society, supported the Council's looking at limited-purpose annexation for the Peninsula. She did not believe that serious consideration of full-purpose annexation for the area at this time was desirable, and hoped that the Council would give direct attention to limited-purpose annexation.

ED WENDLER, representing Nash Phillips/Copus, Provident Development Corp., Bill Milburn and Lumbermen's Investment Corporation, stated that his clients agreed with the neighborhood and hoped that the Council would approve limited annexation for the Peninsula.

In response to Councilwoman Himmelblau's question, Mr. Wendler stated that his clients were not developing in the Peninsula area, but were interested in whether or not limited-purpose annexation was valid. If the provision worked for the Peninsula, then it could effect property in other areas where his clients were owners.

JOHN LLOYD, who owned land in the Peninsula, stated that development did not necessarily mean spoiled land and spoiled water.

MARILYN WADE, who also owned land in the Peninsula, asked the Council to get it's low-density standards together before annexing the area.

Councilwoman Himmelblau agreed and requested that the standards be developed.

An unidentified man stated his "stop-sign theory of civilization" and said once annexation started it would never stop.

Withdrawal of Motion

At that point Councilman Goodman withdrew his motion to continue the hearing to August 2, 1979, and asked the Legal Department to determine to the best of their ability whether or not limited-purpose annexation was going to be legal.

Mr. Dick Lillie asked that property owners and organizations who had an interest in the area send him their name and address so that he might distribute material to them prior to the public hearing.

Motion

Councilman Mullen moved that the Council continue the public hearing until 6:30 p.m., October 18, 1979. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau  
Noes: None

## DEVELOPMENT MORATORIUM ALONG BARTON CREEK

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. to consider placing a moratorium on any further development along Barton Creek.

Motion

Councilman Mullen moved that the Council put a 180-day moratorium on any new zoning changes within 1,000 feet of the centerline of Barton Creek to enable the staff and Barton Creek landowners to prepare recommendations on land use regulations to be enacted for the protection of Barton Springs. Councilman Goodman seconded the motion.

BOB BINDER asked if the moratorium covered the Knights of Columbus tract and the Bradfield-Cummins tract. The Council indicated that those two tracts were not covered under the moratorium, but that there were other safeguards to protect Barton Creek.

JOE CASH offered his comments on growth in Austin and the American way of life.

JEAN MATHER felt that this moratorium should be defined in terms of the watershed of Barton Creek instead of the centerline. Regarding special permits and their weaknesses, Councilman Goodman pointed out that a site plan was better insurance than a special permit.

BETTY BROWN had reservations about not taking further action with regard to Tract 9 owned by Bradfield-Cummins and the Knights of Columbus tract. In light of recent information on sewage development allotments and the Barton Creek Watershed Study, she felt that the subject tracts should be re-evaluated by the Council with a view toward more restrictive zoning.

Councilwoman Himmelblau pointed out that the matter could be reviewed at the time the site plans came before the Council.

Ms. Brown requested that the greenbelt land authorized in the 1975 bond election be purchased immediately.

BOB BINDER asked if the 180-day moratorium would expire automatically at the end of that period or would there be another public hearing at that time. Councilmen Mullen and Goodman stated that the matter was not addressed, that it was felt 180 days would be sufficient time to implement the Barton Creek Watershed Study.

There was discussion regarding the Knights of Columbus tract which the City was interested in buying. Mr. Binder suggested that the tract be zoned "SR" Suburban Residential so that the City could buy it cheaper.

Mr. Binder also inquired about the density on the Bradfield-Cummins 38-acre tract. It was pointed out that the maximum density permitted would be 15 units per acre.

DIANE DeBOIS was concerned about a moratorium on the entire watershed. She asked for a moratorium on new sewer taps in the watershed.

CONNIE MOORE, a real estate agent, presented a series of slides on Barton Creek and Barton Springs. She urged that any further development along Barton Creek be single-family dwellings and that a moratorium not only on zoning but also on sewer taps be enacted today for a minimum of 6 months until it could be determined that the area could be developed further, precisely where and precisely how densely.

JACKIE BLOCH, MARK ROE and CLAUDETTE LOWE yielded their time to Ms. Moore.

PAUL LEWIS, a geologist with the Texas Department of Water Resources, presented three slides and discussed the Barton Creek area. He suggested that the Council initiate action to control the entire Barton Creek Watershed through a state level agency.

STEVE HANSON, representing the Sierra Club, supported the 180-day moratorium and asked that it be extended if Barton Creek controls could not be implemented within that time period.

MARY LEY, representing Travis Audubon Society, asked the Council to consider a larger area for the moratorium.

DAVID BLOCH also asked for larger limits for the moratorium.

Mayor Pro Tem Cooke asked Dr. Maureen McReynolds to identify the boundaries of the Barton Creek Watershed. Dr. McReynolds pointed out that the City's ETJ (extraterritorial jurisdiction) extended through about one-half of the watershed.

Councilwoman Himmelblau asked Dr. McReynolds if the Council could initiate action to obtain help from the State in controlling the Watershed. Dr. McReynolds said that she would talk to Mr. Lewis who spoke earlier to get more information. Additional authority from the State would be required to cover the entire watershed.

Friendly Amendment - Accepted

Mayor Pro Tem Cooke offered a friendly amendment that where the City of Austin had jurisdiction the moratorium include the entire watershed and that no more wastewater taps except those already committed to legally be granted during the moratorium. Councilman Mullen accepted the friendly amendment.

City Manager Davidson stated that he could come back in two weeks with a description of the status of each phase in the subdivision process which he felt that the Council should examine so that changes could be made if necessary.

PHYLLIS BRINKLEY asked for a legal opinion on whether the Council could require a lower density than cited in a zoning ordinance and the reasons why the Council could turn down a site plan.

City Attorney Harris responded the requirement that a site plan be reviewed by the Planning Commission and the City Council would be contained in a restrictive covenant that would be filed in the deed records which would bind the present property owners and any subsequent buyers of the property. No development could occur until approval by the Planning Commission and Council was obtained.

Councilman Goodman commented on the differences between a special permit and the requirement for a site plan in a restrictive covenant and emphasized that he felt a site plan was a better way to control development.

MARILYN SIMPSON, President, Austin Neighborhoods Council, felt that controls adopted for the Barton Creek area should be tailor-made. She asked for a commitment from the Council as to the procedures to be taken by City departments with respect to the controls for Barton Creek.

DOROTHY RICHTER asked that a piece of legislation be passed to protect Barton Creek once and for all, instead of a piecemeal approach to the problem.

KEN MANNING, representing the Sierra Club, wondered why there was not a moratorium on subdivision activity as well as zoning.

Mayor Pro Tem Cooke stated that after discussing his amendment with Councilman Mullen, the amendment and main motion were directed at zoning only.

ADON SITRA asked for clarification on Mayor Pro Tem Cooke's amendment to Councilman Mullen's motion. He was developing property outside the Barton Creek Watershed, but was tapping into a line using the Zilker Park lift station. After discussion, the Council determined that Mr. Sitra's property would not be effected by the amendment to the motion.

July 5, 1979

GIBSON RANDLE, representing a group of landowners in the Barton Creek Watershed, asked for clarification of Mayor Pro Tem Cooke's motion, and was told that the amendment pertained only to zoning.

Regarding the Espey Huston report, Mr. Randle stated that it was extremely important that the Council, staff and citizens study the report to see what was in it. During the time of the moratorium, his group intended to employ and consult with well-qualified experts in the fields of hydrology, geology, land planning and whatever else might be needed and would come back with some specific recommendations by way of guidelines on control in Barton Creek.

In response to Mr. Randle's question as to whether the line describing the Watershed was a surveyed line or a schematic, Mr. Lillie stated that it was the ridge line which could be followed on USGS topographic maps. It was not surveyed. He did not think that it would be difficult for the staff to monitor, control and influence zoning within the boundaries set forth because they had done the same thing in the Lake Austin Watershed.

ANDRES TIJERINA, who lived in Barton Hills, described the run-off through his back yard and the garbage which collected there. He invited the Council to come swim in Barton Creek.

An unidentified man felt that the most important thing was to control development outside the City boundaries in the ETJ.

JACKIE BLOCH asked for clarification on Mayor Pro Tem Cooke's motion in regard to sewer taps. She was told that the taps were still part of the amendment.

JOHN WEBB described a river in Florida which became polluted after there was development along it.

FRANK HORSFALL supported the Zilker Park Posse and spoke in support of preserving Zilker Park and environs.

LARRY PEEL, who was developing a project on the other side of MoPac near Zilker Park, wondered if the moratorium would effect his project. He was not in the City limits at present. Councilmen Mullen and Goodman both felt that the project would be impacted by the moratorium. Councilman Goodman explained that an alternative would be to not seek annexation and proceed with development under ETJ standards.

Mr. Peel asked if his project could be reserved from the moratorium and review his site plan.

City Manager Davidson suggested that the information he would bring back on July 19th hopefully would clarify where Mr. Peel stood, then the Council could make its decision.

KAREN LAGRONE felt that there should be a moratorium on all development within the watershed. She raised some questions which Mr. Davidson felt would be answered on July 19th.

MITCH BEARD asked for clarification on Mayor Pro Tem Cooke's amendment. He asked if the intent was to extend the moratorium beyond the proposed 1,000-foot line as far as the legal jurisdiction of the Council would take it within the watershed. Mayor Pro Tem Cooke replied affirmatively.

In response to Councilwoman Himmelblau's question, Mr. Lillie stated that there were subdivisions in process that would be protected under the City's allocation. The information had been submitted to Mr. Davidson and would be part of his report on July 19th.

Motion as Restated by Councilman Mullen  
and Mayor Pro Tem Cooke

To close the public hearing and a 180-day moratorium be imposed on any new zoning within the Barton Creek Watershed, to enable staff and Barton Creek land owners to prepare recommendations on land use regulations to be enacted for the protection of Barton Creek; additionally no new sewer taps would be authorized by the City of Austin for this area within the watershed, taps the City is already committed to and legally bound to were not included, but all future taps were.

Roll call on the motion showed the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None

Mayor McClellan stated that the City Manager would be bringing back a report on July 19th concerning those applicants the City was legally committed to and going through the process.

PROPOSED USE HEARING  
GENERAL REVENUE FUNDS FOR FY 1979-80

Mayor McClellan opened the public hearing, scheduled for 3:30 p.m. on the Proposed Use of General Revenue Funds for FY 1979-80.

ANDREW TIJERINA appeared before Council. He is a present member and past President of the Austin and Travis County Senior Luncheon Program. He said they need approximately \$68,000 to complete the money they need for a kitchen. They provide free meals, activities and social services for their members and have the potential to increase to 1200-1500 people if they could have their own kitchen. A feasibility study showed a need for \$120,000 for the kitchen. They presently have one half of that and are asking for a match of the \$68,000 they have. He asked Council to remember the senior citizens of Austin when it is time to vote on the General Revenue Funds for FY 1979-80.

LARRY JACKSON appeared before Council and said he thought information about hearings should be included in Wyatt papers, so citizens who do not read the public information section of the Austin-American Statesman will also have some input in the process. He also thinks the funds should be spent on as many low income group people as possible.

Councilmember Trevino said he thought staff should be instructed to give information to all newspapers so there is no question about it.

Councilmember Trevino moved that the Council close the public hearing on the Proposed Use of General Revenue Funds for FY 1979-80. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell  
Noes: None

#### FAA SITES

Councilmember Trevino moved that the Council adopt a resolution to approve an application for federal aid to acquire the FAA Area Surveillance Radar site and lease agreements with the FAA for the Terminal Radar Approach Control Building, Remote Transmitter and ASR sites. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Trevino  
Noes: None  
Abstain: Councilmember Snell

#### PUBLIC HEARING ON ANNEXATION

Mayor McClellan opened the public hearing scheduled for 10:30 a.m. to consider annexation of and directing the administration to institute annexation proceedings to annex the following:

97.83 acres of land out of the following:  
Patterson Moore Survey No. 70, Lawrence P. Sunberg Survey No. 71,  
A. Eanes Survey No. 290, Henry P. Hill League Survey No. 21, Eanes  
I.S.D. Middle School Subdivision, Woodhaven II, Portion of Pinnacle  
Road, Portion of Walsh Tarlton Lane and unplatted land. (56.83  
acres initiated by the City and 41.0 requested by owner) C7a-79-  
005

Mr. Lillie, Director of Planning, stated, "This area falls just south of Bee Cave Road and north of Loop 360 west of the southern extension of the Missouri-Pacific Boulevard (MoPac). It is a request by Mr. Bill Gunn on 41 acres of land which he is subdividing. Staff added another 56.83 acres to kind of complete the annexation in this area. We are requesting the Council pull all of the area the staff added. One area is included in the Eanes Independent School District, an elementary school site which is in Water District 10, and we don't think we should proceed with annexation at this time. The other area does not have any development plans at this time and considering the report the City Manager will be making on sewer taps in this area, we think that we'll just pull the additional area we added."

Councilmember Himmelblau asked if anything is being built out there. Mr. Lillie told her Mr. Gunn is proceeding with his subdivision and will discuss it.

MR. BILL GUNN, owner of Woodhaven II, told Council, "We have an approved preliminary, completely bid out the project, sewer, water and gas is in the ground, storm sewers are in the ground, bridges are under construction, and we are not in the Barton Creek Watershed. I requested to be annexed because the people who will live in the subdivision will be using your parks and hospitals and libraries and it's easier for me to request it now than for you to come back later and try to annex the area."

Councilmember Himmelblau asked if this would obligate the City to the payment of any approach mains or anything. Mr. Lillie said no, and that the subdivision has been approved by the Planning Commission, it has been recorded and it is being built.

#### Motion

Councilmember Himmelblau moved that the Council close the public hearing and direct the administration to institute annexation proceedings to annex the following:

41.0 acres of land out of the following:  
Patterson Moore Survey No. 70, Lawrence P. Sunberg Survey No. 71,  
A. Eanes Survey No. 290, Henry P. Hill League Survey No. 21, Eanes  
I.S.D. Middle School Subdivision, Woodhaven II, Portion of Pinnacle  
Road, Portion of Walsh Tarlton Lane, and unplatted land. C7a-79-005)

The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Snell  
Noes: None  
Abstain: Councilmember Trevino  
Not in Council Chamber when roll was called: Councilmember Mullen,  
Mayor McClellan

#### REVOLVING FUND FOR HISTORIC PRESERVATION

Councilmember Himmelblau moved that the Council adopt a resolution to authorize the Austin Redevelopment Authority (ARA) to administer the Revolving Fund for Historic Preservation; Council to have final sign-off as to who would receive the funds. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Snell, Trevino, Mayor  
McClellan, Mayor Pro Tem Cooke  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Mullen

Mayor Pro Tem Cooke added the Austin Redevelopment Authority would be the ones who would administer and bring the detailed work to the Council. Mr. Lillie said, "With the recommendation of the Landmark Commission." Mr. Davidson said this would be a good policy under these conditions. Mr. Lillie said they are starting with \$135,000.00.

## WASTEWATER APPROACH MAIN

Council had before it for consideration authorization of a wastewater approach main to serve One Eighty-Three Center Subdivision. Mayor Pro Tem Cooke asked if this was going to be a shopping center. Mr. Curtis Johnson, Director of Water and Wastewater, stated this will be a 3-acre commercial tract and is not certain of its proposed development. Mayor Pro Tem Cooke asked if, after coming across 183, it will link up with the new sewer system at Bull Creek Lateral A, or with the TI line. Mr. Johnson said it will go back and hook into the "TI" line in the general vicinity of the back portion of Balcones Woods Subdivision. This tract is on the opposite side of 183 and slightly toward town from Balcones Woods. It ties into that part of the system. Mr. Cooke asked if there would be a capacity problem there. Mr. Johnson said he did not think so, with the projected schedule of the Walnut Creek Project that is coming up to relieve all that he felt we are comfortable in that particular area. Mayor Pro Tem Cooke asked if any other potential land along the way could be tapped onto this or if it would be serving only this particular 3-acre tract. Mr. Johnson said a good deal of additional land could be provided service from this line. The entire drainage area for the 3-acre tract is about 95 acres. Mayor Pro Tem Cooke asked about the cost. Mr. Johnson said the developer would be out \$69,250.00 and the additional development along the line would be subject to the provision of the approach main policy that pertains to the subsequent users. They also would have to pay their proportionate share of the cost of the line as those additional developments might come on.

Motion

Mayor Pro Tem Cooke moved that the Council adopt a resolution to authorize the following Wastewater Approach Main:

RUTLAND CONSTRUCTION COMPANY, INC.	- Construction of an 8-inch wastewater approach main to serve One Eighty-Three Center Subdivision. (City's cost participation \$69,250.00)
---------------------------------------	--

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman  
Noes: None

ANNEXATION TO WILLIAMSON COUNTY  
MUD NO. 1

Councilmember Snell moved that the Council adopt a resolution to approve the annexation of 83 acres to Williamson County Municipal Utility District No. 1. (Requested by Mr. Wayne R. Schade, President, Board of Directors) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor McClellan  
Noes: None  
Abstain: Councilmember Trevino

Later in the day the following motion to reconsider was made:

Councilmember Goodman moved that the Council reconsider the resolution to approve the annexation of 83 acres to Williamson County Municipal Utility District No. 1. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Mullen  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Himmelblau

Later in the meeting, Councilmember Goodman said he had made a motion to reconsider because what Council had passed was simple annexation without any specifications outlined and he thought the two different proposals should be outlined.

CURT JEFFREY, General Manager Williamson County MUD No. 1, appeared before Council to state that on June 12 the President of the board, Wayne Schade, submitted a letter with a sample resolution to the Mayor and Councilmembers to allow them to annex 83 acres at the front of their district on the same basis that they had created their original district and also annexed recently the 208 acres. He said he understood when the first vote was taken today it was done so based on that resolution. The basis is that instead of having land donated to a parkland, what they want is donated land for a fire station site and a percentage which equals what the previous developers have contributed to the district for development of either the Fire Department or other usages the board determines.

Dan Davidson, City Manager, stated, "It is my recommendation that only the approach mains and the oversize participation be authorized for financing under the MUD package and that is what is contained in my memorandum dated June 29, 1979. That is not what you authorized for the 208-acre annexation previously but it is in accordance with actions taken by the City Council in connection with other MUD's approved in other places. I feel the Council has been heading toward that kind of a policy and I think it's a good policy and therefore I recommend its approval."

Councilmember Goodman said that about a year and a half ago Council approved a similar annexation, including the internal lines, and that was based on the fact that the subdivision was able to prove on a fiscal basis that if we ever chose to annex the area and make it a part of the City of Austin, it would generate revenue instead of costing us money. He thought this was the same type of case.

MR. WAYNE R. SCHADE, representing four landowners requesting the annexation, appeared before Council. The landowners are: Round Rock Independent School District; Presbyterian Development Corporation; and two trustee landownerships, Burr Hockfelt from New York, and Forest Troutman, Austin. These petitions were submitted at the same time the 208-acre annexation was petitioned. The Board, he said, has reviewed the financial characteristics of this land in the same consideration as the 208, and are only talking about \$200,000 worth of total bond indebtedness in the three-acre annexation. For the 208-acre annexation the Council approved \$3,275,000 worth of bonds to be sold.

#### Motion

Councilmember Goodman moved that the Council approve the annexation of 83 acres to Williamson County MUD No. 1 and direct the City Manager to negotiate the details including internal lines as was done in the 208 acres; including the fire station site, cash in the amount equal to 30% of the amount of bonds sold and used to install water and wastewater facilities within the area for improvements to the fire station site. The motion was seconded by Councilmember Snell.

Councilmember Himmelblau asked if this was the final annexation to this MUD. Mr. Davidson stated, "We already have another application pending which should be to Council within two weeks."

#### Substitute Motion

Mayor Pro Tem Cooke made a substitute motion that the Council go with the City Manager's recommendation. The substitute motion was seconded by Mayor McClellan.

Mr. Jeffrey stated, "We have to go to our voters for authorization to issue bonds if we do go in this area and if we don't have anything to offer them, such as a fire station site, etc., I have serious doubts whether we will get our voters to approve it. Restricting our ability to negotiate for things we cannot provide by bonding authority almost kills the type of quality development and the assets which will become part of the City of Austin when they do annex us."

Councilmember Himmelblau said, "I understood this 83-acre tract was part of what was coming in when we looked at an annexation for you a few months back, but I was told that this would be the end of it. Now you're saying another request of annexation is coming in. I don't see that as keeping your word to the Council because in good faith I voted for the past annexation and was prepared to vote for this one today, thinking it was the final, but if they're going to keep dominoing and coming into us, I'm not going to vote to accept any annexation."

Mr. Davidson stated, "There are two things I would like to say about that. It is my opinion that additional annexations to this district may not necessarily be bad. If the 208-acre annexation would some day be beneficial to the City of Austin, it's possible that some other annexations may be beneficial to the City of Austin. I didn't answer that meaning another annexation would be detrimental. As a matter of fact, the applicant at the other annexation wanted it on the agenda today as well. We could not conclude our work in time, and further, I don't believe they have approval of the District." Mr. Jeffry said two petitions, one by HRI and one by J. Gregg Development Company have been approved by the District. He said if they ever have more than a volunteer fire department out there, they are going to have a greater tax base to support it. Mayor Pro Tem Cooke said it concerns him how far they will go with this annexation. Councilmember Mullen asked about the fact the 83-acres originally came in with the 208 acres. He wondered what happened. Mr. Jeffrey stated a case of hot tempers developed and it was decided to let the 83-acres wait until everyone had cooled off and it could be approached on a more logical basis.

Roll Call on Substitute Motion - NO ACTION TAKEN

Ayes: Mayor McClellan, Mayor Pro Tem Cooke  
Noes: Councilmembers Snell, Goodman, Mullen  
Abstain: Councilmembers Trevino, Himmelblau

Roll Call on Motion - NO ACTION TAKEN

Ayes: Councilmembers Mullen, Snell, Goodman  
Noes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Abstain: Councilmember Himmelblau

The Mayor announced that no action had been taken, as it takes four votes to pass or deny.

SPRINGWOODS MUNICIPAL UTILITY DISTRICT

Council had before it for consideration the granting of a petition for creation of Springwoods Municipal Utility District and authorizing the negotiation of agreements on the creation of the District with the proponents of the District.

Councilmember Himmelblau referred to the agreement, stating, "On Item 6, 'The district shall not furnish water or sewer service to any customer in any subdivision unless the subdivision complies with all ordinances of the City of Austin.' This does not address subdivisions that might be in another city's ETJ (Extraterritorial Jurisdiction) that you could possibly serve, or is this not possible. Are we going to overlap Round Rock?"

MR. BERT HOOPER said, "To my knowledge there is no overlapping of the ETJ." Mrs. Himmelblau said this will tie into our Lateral A and does not want to see effluent from Round Rock go into our system. She asked if something could be included in the Ordinance, when it comes back, to prohibit this.

Mr. DeLaRosa said, "Number 7 states the District will not provide service outside the boundary unless approval is obtained by the City Council." Councilmember Himmelblau opined two years from now there may be a Council who will give Round Rock service. Mr. Davidson stated "I don't think any action taken by Council today will necessarily limit that anyway if future Councils want to do it."

Mr. Hooper referred to Mr. Davidson's June 29th memo to Council concerning the interest during construction. The recommendation authorizes the District to pay \$177,700.00. The District itself will serve approximately 881 lots and the total system would serve 5,140 lots including the 881 total lots. The effect of the recommendation is to place on the developer the cost of underwriting a part of the interest during construction that really is for the benefit of the City of Austin who own this land and the people who connect on to the land. We feel it would be more equitable on that item to approach it on a percentage basis either taking the 881, divided by 5,140 which gives you about 17%...meaning the developer would pay 17% of the interest during construction and the District would pay 83%, unless the bonds were retired before the City annexes. ...The way it is structured everyone who ties on who is not in the district is going to pay an added charge which will go to defray the cost of construction of the forced main lift station. So we feel it is equitable that it be divided on some percentage portion along the line.

City Manager Davidson said he almost did not recommend the allowance of any interest during construction, but did not feel that to be equitable. He feels if they do not construct the sewer constructed on the basis this principle is designed for that the development would have to construct the treatment plants by itself and handle that interest during construction with no financing by a MUD (Municipal Utility District) necessarily. "So if you take what they would have experienced with the treatment plant and consider the interest during construction is going to be more by going the route under the MUD as proposed, we ought to let them finance that \$177,000 of interest during construction because of their complying with this concept and going into the sewer system."

Mr. Hooper said the concept here is rather than letting that go to the developer it goes to the district and help to offset the bonded debt. We feel it would not be equitable for him to have to pick up that extra cost. He then handed out some figures to the Mayor and Councilmembers. (CITY CLERK DID NOT RECEIVE A COPY.) He explained the figures to Council.

MR. JAMAIL, the developer, explained the interest figures for two plants. (He was not at podium speaking into the microphone so remarks are difficult to understand.) Mr. Davidson asked if a decision could be postponed two weeks. Mr. Jamail answered, "You've got to give me some relief today because we have lots of houses being built. We've been postponing the treatment plant for months now and we have to do something with the sewerage immediately, or we have a problem."

Mr. Davidson said, "What if the Council wanted to approve the agreement today, subject to bringing this one point back in two weeks." Mr. Jamail said he would do that depending on the park land situation. Councilmember Goodman commented, "That's why I think the Manager is recommending that can be worked out in the next few weeks so let's just go ahead and vote subject to those things that

would be negotiated with the City Manager." Mr. Jamail stated, "I would be willing to go along with you on your City part, you know, the \$2,000,000 sewer line. You just made a recommendation to pay the interest on the City's portion of the line." Mr. Goodman said that also can be worked out.

Mr. Davidson stated, "Let me come back on the 19th to the Council with a comparison of what Mr. Jamail was talking about on that point, but in the meantime we can get, Mr. Hooper, the Council to vote on the agreement itself and you'll know whether or not you have a MUD you're going to be able to proceed with."

#### Motion

Mayor Pro Tem Cooke moved that the Council approve the Municipal Utility District, based on the City Manager's recommendations and hold for final detail analysis on financing of the City plan versus Mr. Jamail's treatment plant as far as the financing using bond money, and the park, but excluding those two items, to give approval to the MUD today. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen  
Noes: None  
Abstain: Councilmember Trevino  
Not in Council Chamber when roll was called: Councilmember Snell

#### LAND FOR TEXAS NATIONAL GUARD

Councilmember Mullen moved that the Council adopt a resolution to lease 14.64 acres of additional land to the Texas National Guard. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Snell

Councilmember Himmelblau said, "Three weeks ago someone that was interested in the third fixed base operator land, and I know no decision has been made as to who is to have it but we did vote with the bond program, and on the west side on that land that's not used by the..I think there's a ravine there or something, in other words if we go ahead and give the National Guard 14.64 acres that you take off 2-1/2 acres on that west side to help accommodate the third fixed base operator." Mr. Roy Bayless, Director of the Airport, said there is 18 acres available for a third fixed operation. Councilmember Himmelblau asked, "They seemed to think that this was important and as long as we're going ahead and give them 14 and they're not using that two acres over there, can't this be adjusted?" Mr. Bayless answered they have a number of aircraft parking positions that they store out there and at the north end they have a crash/fire rescue building, and did not think the Guard would like to do it. He said it would not help us in providing for the third fixed base operator.

ELECTRIC ORDINANCE NOT AMENDEDMotion

Councilmember Goodman moved that the Council not amend the Electric Ordinance, Chapter 37, of the Austin City Code of 1967, permitting the use of No. 14/2 ground copper wire for residential lighting circuits. The motion was seconded by Mayor Pro Tem Cooke.

Mayor McClellan said that for safety reasons she concurs. Councilmember Mullen pointed out that he thought 14/2 wire was used nationally and that its use would reduce the cost of a house. Mr. Lonnie Davis, Director of Building Inspection, told him it is used in Dallas, Fort Worth and Houston and will cut down on the cost of a house. Mayor Pro Tem Cooke commented he is more concerned with the fire hazard of using it.

MR. WALTER TIMBERLAKE appeared and told Council one would have to tear a house apart to repair with 14/2 ground copper wire.

MR. H. W. ZUCK, Professor of Engineering, and a member of the Electric Board, asked Council to keep the Ordinance as it is.

MR. FRED HOSKINS, member of the Electric Board, spoke for 14/2 wire.

Substitute Motion - Failed for Lack of Second

Councilmember Mullen moved that the Council approve the recommendation of the Electric Board, to permit use of No. 14/2. The motion died for lack of a second.

Roll Call on Motion

Roll call on Councilmember Goodman's motion, Mayor Pro Tem Cooke's second, showed the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Trevino, Mayor McClellan

Noes: Councilmember Mullen

Not in Council Chamber when roll was called: Councilmember Snell

## 1978-79 ELECTRIC CAPITAL BUDGET

Council had before it for consideration the amending of the 1978-79 Electric Capital Budget to provide additional funding of \$2,400,000 for distribution system improvements. Mr. Daron Butler, Budget Director, said he would discuss how the City could afford this, and Mr. Hancock, Director, Electric Utility, would discuss the need. Mr. Butler said, "We will have about a \$6.6 million balance if we do not fund this request. We have recommended to the Manager that we seek Council appropriation for \$2,400,000 which will leave us a balance of \$4.2 million in the Utility Fund if Council were to approve this request. The additional funding is spread through three accounts, overhead line extensions, relocation or replacement of distribution system facilities, and

underground extensions. Mr. Hancock can address the need within the construction industry for this type of expenditure for the rest of the year." Mayor Pro Tem Cooke asked if this means we are funding more CIP items with our revenue money than we had originally proposed. Mr. Butler said this is correct. Mr. Cooke asked, "What then is the difference in the total amount of funding that we took out of the Electric or that system's revenue to fund Capital Improvement, and what does the 2.4 do to it as a relation to the percentage. Mr. Butler answered the original transfer for this year was scheduled at 9-1/2 million dollars excluding aid and construction. The 2.4 then would be in effect a 25% increase in that transfer of current revenues into the Electric Capital Improvements Program (CIP). In terms of total revenue that's an increase of about 5 to 7%.

Mayor Pro Tem Cooke asked if this would contract as bond requirements in the future. Mr. Butler answered it can be funded under current revenue as they have recommended, or they can assume at a faster rate the bonding authority approved by the voters in January for system improvement expansion. The effect of putting the current revenue in now is that the two-year commitment will be stretched to that limit. Whether or not they make it last a full two years depends on the adequacy of revenues in budget year 1979-80 to meet the projected transfer of \$10,000,000 from Electric Revenues to the CIP; and second, the adequacy of our projections for requested appropriation in these type of accounts in the next year. Mayor Pro Tem Cooke pointed out that under GRS they had talked of a 40-60 split on operating and CIP funding and decided to stay there in their discussion in early spring. He said he thought this continues to impact this because they are taking more for revenues and applying them toward our capital program and it seems to him it's running counter to the concept of what they are trying to do with their GRS (General Revenue Sharing) funding...that was to move more GRS funding into the CIP.

Mr. Davidson stated, "Mr. Cooke, I hate to tell you, but when I present next year's budget, it's going to be worse than that." Mr. Butler pointed out they will be recommending to the Council a greater utilization in General Revenue Sharing operations in 1979-80 than they are using in the current fiscal year. In the Electric Utility the posture of putting current revenues into the Capital Improvements Program is of benefit to us because it does increase our equity in the system, so it's a very positive benefit to have current revenues falling into Capital Improvements in the Electric Utility.

Mr. Hancock reiterated, briefly, what Mr. Butler stated.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1978-1979 AND THE 1978-1983 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$2,400,000.00 FROM THE UTILITY FUND ENDING BALANCE AND TRANSFERRING SAID AMOUNT TO THE ELECTRIC UTILITY DEPARTMENT CIP BUDGET IN ORDER TO RESPOND TO ANTICIPATED GROWTH AND EXPANSION OF THE DISTRIBUTION SYSTEM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor Pro Tem  
Cooke, Councilmember Goodman  
Noes: None  
Not in Council Chamber when roll was called: Councilmember  
Trevino, Mayor McClellan

#### PROPOSED AMENDMENTS TO RETIREMENT ORDINANCE

The report, by the City of Austin Retirement and Pension Board, concerning recommendations of proposed amendments to the Retirement Ordinance was presented to Council. Councilmember Mullen said he approved of Recommendation #1 to allow all members, regardless of age, to become vested in the retirement system after ten years membership service, but does not approve of Recommendation #2 which would allow members to buy back their probationary period. "I sat on that Board and I don't favor that one portion of it that allows buy-back and so I'll have to vote No. I think people went to work on the basis of knowing what the retirement system was, and had an agreement and for the City to be out funds on the employees now on the selected few that decided to buy back in is not necessary. It's just an expenditure that we're going back in and saying we'll do it.. When people went to work I think they understood, as all of us do, that there was a six month's waiting period.. Councilmember Himmelblau said she saw no harm in it." Mr. Mullen cited the cost to the taxpayers as his reason against it.

#### Motion

Councilmember Goodman moved that the Council approve Recommendation #1 as an amendment to the Retirement Ordinance, to allow all members, regardless of age, to become vested in the retirement system after ten year's membership service. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor Pro Tem Cooke,  
Councilmembers Goodman, Himmelblau  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Snell,  
Mayor McClellan

#### Motion

Councilmember Goodman moved that the Council approve Recommendation #2 which would allow members to buy back their probationary period. Councilmember Himmelblau seconded the motion.

Councilmember Mullen asked where the money would come from for Recommendation #2. Mr. Davidson said the proposed effective date is October 1 and if Council votes in favor they would have to indicate in next year's budget how it would be financed.

#### Second to Motion Withdrawn

Councilmember Himmelblau withdrew her second to the motion.

Second to the Motion

Councilmember Trevino seconded the motion.

Councilmember Goodman requested Recommendation #2 be brought back on the Agenda July 19, 1979 where there is a full Council, therefore there was no action taken.

## LAKE AUSTIN INTERIM STUDY

Councilmember Himmelblau introduced an item from Council which was the Progress Report on Water Quality Testing and Assessment in regards to the Lake Austin Interim Study. She said she wanted to know if they are doing any testing in the Lake Austin Watershed...both in the area that is developed and in the undeveloped area so they will have something to look at in January. Mr. Davidson told her testing is being done but he was not certain what she wanted to know re this item. She requested this item be brought back on July 19, 1979.

## CONGRESS AVENUE IMPROVEMENTS

Mr. Davidson asked that his report on Congress Avenue Improvements be brought back on July 19, 1979. Council unanimously approved.

## CITY COLISEUM IMPROVEMENTS

Mr. Davidson told Council they have his report on City Coliseum Improvements in writing and suggested if they wanted to discuss it in more detail, it could be done when he brings back suggestions for funding of the improvements.

## STREET MAINTENANCE AND RESURFACING

Councilmember Goodman moved that the Council accept the Report on Five-Year Street Maintenance Inventory and Resurfacing Program. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Goodman, Himmelblau, Mullen  
Noes: None  
Not in Council Chamber when roll was called: Mayor McClellan,  
Councilmember Snell

## SPECIAL LEGAL COUNSEL

Councilmember Goodman moved that the Council authorize the City Manager to get a Special Legal Counsel to serve the Civil Service Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

July 5, 1979

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Goodman, Himmelblau, Mullen  
Noes: None  
Not in Council Chamber when roll was called: Mayor McClellan,  
Councilmember Snell

## EMPLOYEE OPINION SURVEY

The results of the Employee Attitude Survey was presented to the Council by means of slides and a review of the data tabulated by MR. DANIEL R. MALIN of International Resources and Applications. The firm provided technical assistance to the Employee Attitude Survey Task Force.

## ADJOURNMENT

Council adjourned its meeting at 8:00 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk